



## Legal Update Week 9 - 10 (26 February – 11 March 2019)

Dear All,

### Thailand legal news

- **26 February 2019:**

- The amnesty has been granted to people who have been using cannabis or have cannabis in their possession for medical or research purpose prior to the enactment of the Narcotics Act (No.7), with the condition that they must report to authorities within 90 days after such act goes into effect (19 February 2019). \*The report can be made at (1) Bangkok: One Stop Service of the FDA, and (2) Other provinces: Provincial Public Health Office.

- **27 February 2019:**

- This year (2019), the Ministry of Labour aimed to promote employment and living quality of the elders (age 60-69). The goal is initially set to 100,000 individuals. The responsible entities and relevant schemes are:
  - (1) The Office of the Permanent Secretary: set minimum hourly wage rate for the elders;
  - (2) The Department of Employment: promote and support employment for the elders concerning their ages and experiences, and offer employment service;
  - (3) The Department of Skill Development: develop potential of the elders in accordance with the need of labour market;
  - (4) The Department of Labour Protection and Welfare: spread knowledge regarding employment and welfare; and
  - (5) The Social Security Office: improve the social security system to support employment of the elders and provide mobile health units.

- **28 February 2019:**

- The NLA approved the draft Personal Data Protection Act with 161 supporting votes, none against, and 5 abstentions. \*Please find more information on the memorandum re: Personal Data Protection Act (soon to be published).

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- **1 March 2019:**

- The Ministry of Commerce aimed to ban the import of used private cars (95% is luxury cars) to be in line with the environmental protection scheme. This drafted announcement will open for public hearing until 14 March 2019 and will be proposed to the Cabinet afterwards.

- **5 March 2019:**

- According to the national agenda on pollution control (PM 2.5 – PM 10), the Cabinet has approved the following excise tax measures:

1. **Pickups and double-cab pickups**

Type of Vehicle (Pickups)	CO <sub>2</sub> emission (g./km.)	Current Excise Tax Rate	New Excise Tax Rate	
		Rate	PM > 0.005	PM ≤ 0.005 <u>or</u> use B20
			Rate	Rate
No Cab	≤ 200	2.5	2.5	<b>2</b>
	> 200	4	4	<b>3</b>
Space Cab	≤ 200	4	4	<b>3</b>
	> 200	6	6	<b>5</b>
Double-cab	≤ 200	10	10	<b>9</b>
	> 200	13	13	<b>12</b>
Double-cab using fuel and electricity (hybrid)	≤ 175	8	8	<b>6</b>

2. **Electric Powered Vehicles (EV)**

Type of Vehicle (EV)	Current Excise Tax Rate	Excise Tax Rate (1 Jan 2020 – 31 Dec 2022)	Excise Tax Rate (1 Jan 2023 – 31 Dec 2025)
Without BOI	8	8	8
With BOI	2	<b>0</b>	2

- The Tokyo District Court found two ex-Mitsubishi Hitachi Power Systems (“Mitsubishi”) executives guilty of bribing a senior Thai official over a power plant project in Khanom, Nakhon Si Thammarat. The Court gave sentences of 16 and 18 months in prison, with 3 years probation. They were sentenced for the bribery oversea. The plea bargaining agreement signed by the prosecutor and Mitsubishi has been adopted to the case to shield to company from indictment in exchange of cooperation in the trail.

\*This is the first time that the plea bargain has been adopted in Japan, since this regime was introduced in June 2018.

\*Plea bargain is any agreement in a criminal case between the prosecutor and the defendant whereby the defendant agrees to plead guilty to a particular charge in return for some concession from the prosecutor.

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- **9 March 2019:**
  - The Ministry of Finance aimed to push forward the universal QR code payment system among ASEAN countries in the 23<sup>rd</sup> ASEAN Finance Ministers' Meeting on 3-5 April 2019. \*The universal QR code is the single QR code that can be used internationally with various e-payment applications.
- **11 March 2019:**
  - The Ministry of Industry, together with 12 automotive brands (Audi, BMW, Isuzu, Mazda, Mercedes-Benz, Mitsubishi, Mini, MG, Nissan, Suzuki, Toyota, and Volvo), agreed to upgrade emission standard to Euro 5 within 2021 and Euro 6 within 2022 to reduce particular matter (PM) in the long-run. \*Thailand set the standard at Euro 4 for engines and petrol in 2012 while the European Union (EU) did in 2005, and now the EU's standard is Euro 6.

## New Cabinet resolutions

### 26 February 2019:

- **Approved Draft:** Draft Vocational Education Act (No. ..) B.E. ....
  - Add the curriculum for pre-vocational school which equals to lower secondary school (grade 7-9).

### 5 March 2019:

- **Approved Draft:** Draft announcement of the Ministry of Labour re: special permission for talent, investor, executive, and startup to work in the Kingdom.
  - Talent, investor, executive, and startup who hold Smart Visa can work in Thailand without work permit required.
  - Legitimate spouse and children (at least 18 years old) have the right to stay and work in Thailand during the permission period, provided that such work is not prohibited for foreigner.

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## Royal Gazette Update:

Date	Part	Subject
5 March 19	Gor	<ul style="list-style-type: none"><li>● Rules of the General Assembly of Judges of the Supreme Administrative Court re: electronic administrative procedure B.E. 2562<ul style="list-style-type: none"><li>- e-Filing: both parties can submit documents online through the website</li><li>- e-Courtrooms: the attendants can view documents through projector visualizer and computer. Additionally, the courtrooms will be furnished with video recording system to be recall later.</li></ul></li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/026/T_0008.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/026/T_0008.PDF</a></p>
8 March 19	Ngor Piset	<ul style="list-style-type: none"><li>● Announcement of the Ministry of Commerce re: exemption of copyright infringement for the benefit of disabled persons who cannot access copyright works B.E. 2562<ul style="list-style-type: none"><li>- Formats of reproduction and adaptation that can be made for disabled persons.</li><li>- Regulation and measure for reproduction and adaptation of copyright works.</li><li>- Regulation and measure for publication.</li><li>- List of disability support organizations recognized by the Ministry of Commerce</li></ul></li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/E/057/T_0006.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/E/057/T_0006.PDF</a></p>
8 March 19	Ngor Piset	<ul style="list-style-type: none"><li>● Announcement of the Board of Investment re: list of the additional business activities eligible for BOI promotion</li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/E/057/T_0025.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/E/057/T_0025.PDF</a></p>

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10 March 19	Gor	<ul style="list-style-type: none"><li>● Public-Private Partnership Act B.E. 2562<ul style="list-style-type: none"><li>- Limit the extent of the projects to the scope related to infrastructure and public service only.</li><li>- Clear partnership status between private and public entities.</li><li>- Measures for problems resolution.</li><li>- Clear and certain government policy for public service.</li></ul></li></ul> <p><a href="http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/029/T_0001.PDF">http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/029/T_0001.PDF</a></p>
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